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*Attorney for Defendants AliphCom and BodyMedia, Inc.*  
(Additional Counsel for Defendants listed below signature line)

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

FITBIT, INC.

Plaintiffs,

v.

ALIPHCOM d/b/a JAWBONE and  
BODYMEDIA, INC.

Defendant.

Case No: 5:17-cv-01139-JCS

**NOTICE OF MOTION AND MOTION TO  
WITHDRAW AS COUNSEL FOR  
DEFENDANTS ALIPHCOM d/b/a  
JAWBONE AND BODYMEDIA, INC.**

**Date: April 14, 2017**

**Time: 9:00 a.m.**

**Place: Courtroom G, 15<sup>th</sup> Floor**

**TO THE COURT, ALL PARTIES, AND THEIR COUNSELS OF RECORD:**

NOTICE IS HEREBY GIVEN that on April 14, 2017, at 9:00 a.m., or as soon thereafter as the matter can be heard in courtroom G, 15<sup>th</sup> floor, located at 450 Golden Gate Avenue, San Francisco, CA 94102, Susman Godfrey L.L.P, counsel of record for Defendants herein, will move this Court for an Order allowing Susman Godfrey to withdraw as counsel of record in this matter, as set forth below.

**MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANTS**

Pursuant to F.R.C.P. 24(c) and Civil Local Rule 11-5 all attorneys listed below from Susman Godfrey L.L.P. hereby move for withdrawal as counsel for Defendants AliphCom d/b/a Jawbone and BodyMedia, Inc. ("Jawbone" or "Defendants") in the above-captioned case.

Professional considerations require withdrawal. Counsel has provided Jawbone with notice of its intent to withdraw, as required by Local Rule 11-5(a). Jawbone does not oppose Susman Godfrey's withdrawal but seeks a 60-day continuance of all deadlines to permit substitution of counsel.

Counsel respectfully submits that said withdrawal of counsel is in the interest of justice and will not prejudice Defendants or the Plaintiff. The case was just recently transferred from federal court in Delaware and the initial case management conference is not set until June 9, 2017. Dkt. 25. This motion is made in good faith and not made for purposes of delay or any other purpose.

Counsel notified Plaintiff Fitbit of their intentions to withdraw on March 9, 2017. Plaintiff Fitbit has not yet advised counsel for Jawbone of its position.

Dated: March 10, 2017

SUSMAN GODFREY L.L.P.  
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By: /s/ Kalpana Srinivasan  
Kalpana Srinivasan

*Counsel for Defendants AliphCom d/b/a  
Jawbone and BodyMedia, Inc.*

**PROOF OF SERVICE**

I, the undersigned, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1901 Avenue of the Stars, Suite 950, Los Angeles, California 90067-6029.

On March 10, 2017, I served the foregoing document(s) described as follows:

**NOTICE OF MOTION AND MOTION TO WITHDRAW AS COUNSEL FOR  
DEFENDANTS ALIPHCOM d/b/a JAWBONE AND BODYMEDIA, INC.**

on the interested parties in this action as stated on the attached service list, as follows:

**BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**BY PERSONAL SERVICE:**

I caused to be delivered such envelope by hand to the offices of the addressee.

**BY FEDERAL EXPRESS OR OVERNIGHT COURIER**

**BY TELECOPIER**

I served by facsimile as indicated on the attached service list.

XX **BY ELECTRONIC MAIL**

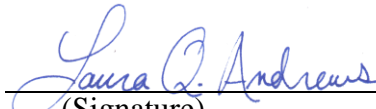
I caused said documents to be prepared in portable document format (PDF) for e-mailing and served by electronic mail as indicated on the attached service list.

Executed on March 10, 2017, at Los Angeles, California

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

XX (Federal) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Laura Q. Andrews  
(Type or Print Name)

  
(Signature)

**SERVICE LIST**

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*Delaware Counsel for Defendants Aliphcom d/b/a and BodyMedia, Inc.*